

M E M O R A N D U M

Date: October 28, 2013

TO: Town Commission

FROM: Dave Bullock, Town Manager

SUBJECT: Resolution 2013-34 Relating to the Marketing and Sale of Candy Flavored Tobacco Products by Businesses on Longboat Key

At the October 7, 2013, Regular Meeting the Town Commission received a presentation from the Students Working Against Tobacco (SWAT) organization pertaining to the marketing, sale, and use of candy flavored tobacco products targeting area youth.

Following the presentation, the Town Commission commended the efforts of the local SWAT team and directed Staff to draft a Resolution urging businesses on Longboat Key to cease the marketing and sale of candy flavored tobacco products targeted at youth. Staff has completed some research and have found that numerous Cities and Counties throughout the State of Florida are supporting the SWAT initiative through the adoption of similar Resolutions.

The Town has received a letter from the Florida Petroleum Marketers and Convenience Store Association, Inc. and a response from Students Working Against Tobacco on this topic which is attached

Resolution 2013-34 was forwarded from the October 21, 2013 Regular Workshop Meeting Consent Agenda for formal action at the November 4, 2013 Regular Meeting.



Florida Petroleum Marketers and Convenience Store Association, Inc.

209 Office Plaza Drive, Tallahassee, Florida 32301-2807

T: 850.877.5178 | F: 850.877.5864

fpma@fpma.org | www.fpma.org

October 22, 2013

Town of Longboat Key
Mayor Jim Brown and Commissioners
501 Bay Isles Road
Longboat Key, Florida 34228

Dear Mayor Brown and Commissioners:

In recent years, the public health community has expressed concern that tobacco products with characterizing flavors other than tobacco are packaged, advertised, and marketed in a manner that may appeal to youth. Florida Petroleum Marketers & Convenient Store Association (FPMA) shares the concerns of the public health community and other stakeholders regarding underage tobacco use.

As responsible business owners and sales people of tobacco products intended for adults, we have an important role in helping to prevent underage tobacco use. We take this responsibility seriously by requiring valid identification upon purchase and by monitoring any illegal activity.

FPMA also works to help reduce underage tobacco use by supporting the enactment of appropriate federal and state legislation to help prevent underage access to tobacco products, by making all tobacco product sales non self-service and supporting efforts to enhance and enforce minimum age laws.

While reducing underage tobacco use is an important goal for our members and communities, the prohibition of all tobacco products with characterizing flavors other than tobacco is not an effective way to address the issue of underage tobacco use.

The Food and Drug Administration's (FDA) regulatory authority over tobacco products specifically prohibits the sale of cigarettes with characterizing flavors other than tobacco and menthol. We believe this federal standard achieves an appropriate balance between legitimate adult consumer choices and stakeholder concerns about certain flavored cigarettes.

You may have been contacted by an organization requesting support for the passage of a resolution or ordinance that is contrary to current law and not practical for addressing underage tobacco usage. FPMA believes that programs such as "We Card" and "Right Decisions, Right Now" in collaboration with education from parents and teachers help prevent underage tobacco use. Additionally, Florida is currently considering more strict penalties associated with youth possession of tobacco.



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We strongly urge you to refrain from passing this type of regulation as it currently exists at the federal level and would not address the issues related to minors using tobacco products. FPMA and our communities, families, friends and teachers plan to do our part and continue to encourage educational programs highlighting prevention.

Thank you for your time and consideration.

Regards,

A handwritten signature in black ink, appearing to read 'Summit Shah'.

Summit Shah
Convenience Store Committee Chairman

A handwritten signature in black ink, appearing to read 'Ned Bowman'.

Ned Bowman
Executive Director



Oct. 29, 2013

Town of Longboat Key
Mayor Jim Brown and Commissioners
501 Bay Isles Road
Longboat Key, Florida 34228

Dear Mayor Brown and Commissioners:

I am writing on behalf of Sarasota County Students Working Against Tobacco (SWAT) and the Tobacco Free Partnership of Sarasota County to address a letter you may have received from the Florida Petroleum Marketers and Convenience Store Association. Although we recently had representatives from SWAT and the Partnership present information to you on the issue of candy flavored tobacco products, I would like to reiterate the importance of passing a resolution against the sale and marketing of these products.

Although the Food and Drug Administration (FDA) passed a regulation prohibiting the sale of flavored cigarettes, flavored tobacco products in the form of cigars, cigarillos, and smokeless tobacco have become increasingly common in the U.S. and are not regulated at the federal level. These products contain flavors such as cool mint, vanilla, sour apple, strawberry, and chocolate, and they are especially attractive to youth. They are widely considered to be "starter products", and their use is known to establish tobacco habits that lead to a lifetime of addiction. Candy and fruit flavors mask the bad taste of tobacco, making it easier for youth to start using tobacco products. Once youth start using one tobacco product, they are more likely to experiment with others.

Studies of youth expectations regarding flavored tobacco products have found that young smokers report choosing flavored products over cigarettes because they "taste better" and are perceived to be "safer." All tobacco products, including flavored products, are addictive and carry serious health risks. Although programs such as "We Card" are currently in place, youth are still gaining access to these products, since nearly 90 percent of adults who smoke began at or before age 18. The only effective way of reducing youth access to these products is to not have them available.

In Sarasota County, 1 in 6 youth between the ages of 11 and 17 have tried flavored tobacco products and 1 in 8 youth in Manatee County have tried these products. Moreover, 25 percent of high school students in Sarasota County and 19 percent of high school students in Manatee County reported using tobacco in the past 30 days. The passage of a resolution in Longboat Key will contribute to the work being done all across Florida and by our local SWAT youth and Partnership members to keep these products out of the hands of our youth.

Sincerely,

A handwritten signature in blue ink that reads "Janice Baxter". The signature is written in a cursive, flowing style.

Janice Baxter, MSW
Chair, Tobacco Free Partnership of Sarasota County



- Students Working Against Tobacco is Florida's statewide youth organization to mobilize, educate, and equip Florida youth to revolt against and de-glamorize Big Tobacco.
- The Sarasota County chapter of SWAT is made up of local community organizations, middle schools, and high schools with over 150 members.
- SWAT is working to educate local decision makers and community members on the dangers of candy flavored tobacco products.
- Under the Family Prevention and Tobacco Control Act, the FDA banned the distribution and sales of flavored cigarettes. However, flavored tobacco still comes in a variety of products such as cigars, cigarillos, and smokeless tobacco, with flavors including cool mint, vanilla, peach, and chocolate chip cookie dough.
- The flavors and packaging of these products appeal to children and are often referred to as "starter products" for children and young adults to become regular tobacco users.
- According to the FDA, young tobacco users choose flavored products because they taste better, are perceived as "safer", and in many instances cost less than other tobacco products.
- In 2008, a national poll found that 1 in 5 youth between the ages of 12 and 17 had seen flavored tobacco products or ads, while only 1 in 10 adults reported having seen them.
- According to the 2010 Florida Youth Tobacco Survey, in Sarasota County, 1111 4 youth between the ages of 11 and 17 have tried flavored tobacco products.
- Young people are much more likely to use candy and fruit flavored tobacco products than adults, and tobacco industry documents show that companies have designed these products with kids in mind:

"Cherry Skoal is for someone who likes the taste of candy, if you know what I'm saying." —U.S. Tobacco

"It's a well-known fact that teenagers like sweet products." —Brown and Williamson

"The base of our business is the high school student." —Lorillard Tobacco

"Today's teenager is tomorrow's potential regular customer, and the overwhelming majority of smokers first begin to smoke while still in their teens...the smoking patterns of teenagers are particularly important to Philip Morris." —Philip Morris

"Realistically if our company is to survive and prosper over the long term we must get our share of the youth market." —RJ Reynolds

RESOLUTION 2013-34

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, URGING LOCAL BUSINESSES TO CEASE THE SALE AND MARKETING OF ALL CANDY FLAVORED TOBACCO PRODUCTS IN THE TOWN OF LONGBOAT KEY, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, tobacco use is the single most avoidable cause of death in the United States; and

WHEREAS, almost 90 percent of tobacco users started before they were 18 years old; and

WHEREAS, each day, more than 4,000 young people try smoking for the first time, and another 2,000 youth become regular daily smokers; and

WHEREAS, the United States Surgeon General has concluded that tobacco advertising greatly contributes to youth smoking rates; and

WHEREAS, an estimated one-third of adolescent experimentation with smoking can be directly attributed to tobacco advertising and promotional activities; and

WHEREAS, the Master Settlement Agreement (MSA) of 1998 between the state Attorney General and major tobacco companies forbids cigarette manufacturers from directly or indirectly targeting youth in advertising, marketing, and promotion of tobacco products aimed at initiating, maintaining, or increasing youth smoking; and

WHEREAS, internal tobacco industry documents strongly suggest that manufacturers intentionally target youth through use of candy-like flavors in tobacco products; and

WHEREAS, research from the Harvard School of Public Health (published November 2005) found that cigarette makers are targeting young smokers with new candy and liqueur flavored brands that mask the harsh and toxic properties found in tobacco smoke and products. Tobacco companies use youth-oriented colorful and stylish packing, and exploit adolescents' attraction to candy flavors; and

WHEREAS, National studies have found that the vast majority of people who are using these flavored tobacco products are youth and young adults; and

WHEREAS, the Florida Youth Tobacco Survey shows that over 85% of tobacco obtained by the youth in Sarasota and Manatee Counties is obtained through social sources rather than direct, underage, purchases by the minors themselves; and, therefore, existing age restrictions are inadequate protection to keep these flavored products out of the hands of the primary users, youth; and

WHEREAS, some of these tobacco products, especially flavored cigars and blunt wraps are also used as drug paraphernalia for smoking of marijuana; and

WHEREAS, flavored tobacco products are defined as loose tobacco including snuff flour, plug and twist tobacco, fine cuts, chewing tobacco, snus, shisha tobacco, smoking or snuffing tobacco products, and all other kinds and forms of tobacco, including but not limited to cigarettes, cigars, smokeless tobacco products, and blunt wraps prepared in such a manner with the purpose for chewing, inhaling, smoking, or ingesting in any manner in which the product or any of its component parts (including the tobacco, filter, or paper) contain, as a constituent (including a smoking constituent) or additive, an artificial or nature flavor (other than tobacco or menthol) or an herb or spice, including but not limited to strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, coffee, or alcohol flavors, that is a characterizing flavor of the tobacco smoke; and

WHEREAS, Students Working Against Tobacco (SWAT) is Florida's Statewide youth organization to mobilize, educate, and equip Florida youth to revolt against and de-glamorize tobacco; and

WHEREAS, the goals of SWAT are to prevent and reduce tobacco use among youth and to protect youth from secondhand smoke.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA:

SECTION 1. The above Whereas clauses are hereby incorporated, ratified and confirmed as true and correct.

SECTION 2. The Longboat Key Commission urges local businesses throughout the Town of Longboat Key who sell tobacco products to cease the sale and marketing of all flavored tobacco products that target the youth and young adults, which are defined as loose tobacco including snuff flour, fine cuts of plug and twist tobacco, chewing tobacco, snus, smoking or snuffing tobacco products, and all other kinds and forms of tobacco, including but not limited to cigarettes, cigars, smokeless tobacco products, and blunt wraps, prepared in such a manner with the purpose for chewing, inhaling, smoking, or ingesting in any manner which have been flavored through the addition of natural or artificial flavorings, herbs, spices, or other means with flavors characterizing fruit, candy, alcohol, or other similar flavorings with the exception that menthol will not be included in this definition.

SECTION 3. The Longboat Key Town Commission urges residents and visitors not to purchase or use flavored tobacco products as described in Section 2 above.

SECTION 4. This Resolution shall become effective immediately upon adoption.

Passed at a meeting of the Town Commission held the ____ day of _____ 2013.

James L. Brown, Mayor

ATTEST:

Trish Granger, Town Clerk



End of Agenda Item